THE HON'BLE SRI JUSTICE GODA RAGHURAM

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W.P.NO.3233 OF 2006

Between:

Fresh Water Entertainment, rep. By its Mg.Partner

…Petitioner

vs.

Central Board of Film Certification, Government of India, Represented by its Regional Officer, Hyderabad and another

…Respondents.

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ORAL ORDER

The petitioner's grievance is that the 1st respondent is protracting the issuance of a censor certificate. The petitioner is also aggrieved by the communication dated 17-02-2006 addressed by the 1st respondent to the petitioner where under the petitioner was called upon to approach the 2nd respondent and obtain a certificate from the 2nd

respondent to the effect that the provisions of the Performing Animals (Registration) Rules,2001 (for short "the Rules") have been complied with. Admittedly the petitioner has used performing animals in the film. It has made an application to the 2nd respondent on 31-01-2006 for issuance of an appropriate certificate under the Rules. Unless the certificate is issued by the 2nd respondent, the 1st respondent would not and cannot consider the film for certification in view of the instructions issued by the Central Board of Film Certification to all the Regional Boards of Censor that a "No Objection Certificate" from the Animal Welfare Board of India certifying that the film has been made in compliance with the Rules is mandatory before a certificate is issued for public exhibition.

In the circumstances above, the surviving and the real grievance of the petitioner appears to be delay on the part of the 2nd respondent in processing the petitioner's application dated 31-01-2006 for issuance of certificate.

In the facts and circumstances as above, the writ petition is disposed of directing the 2nd respondent to expeditiously and in any event within a period of two (2) weeks from the date of receipt of a copy of this Order, consider the petitioner's application dated 31-01-2006 for issuance of the certificate under the Rules and communicate its decision on the petitioner's application within the aforesaid time. On receipt of the decision of the 2nd respondent, the petitioner is at liberty to pursue appropriate remedies. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

23rd FEBRUARY 2006

Note:

Issue CC by tomorrow

(B/O)

*TSNR